



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

OCT 07 2004

Fed Exed 10/13/04

**DELIVERED VIA FEDERAL EXPRESS OVERNIGHT MAIL**

The Honorable Gilbert Apodaca  
Chairman of the Doña Ana County Commission  
180 W. Amador Avenue  
Las Cruces, NM 88001

**Re: Griggs and Walnut Ground Water Plume Superfund Site, Las Cruces, Doña Ana County, NM; Special Notice for RI/FS**

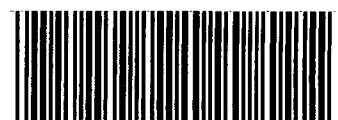
Dear Chairman Apodaca:

This is to invite the Doña Ana County (the County) to continue the collaborative effort with the U.S. Environmental Protection Agency (EPA) in order to find a permanent solution for ground water contamination in Las Cruces near municipal supply wells 18, 19, 21, and 27. We are also extending this invitation to the City of Las Cruces (the City). If our discussions are successful, our collaboration will be documented in an administrative agreement. Under that agreement, the City and the County would fund or perform a Remedial Investigation and Feasibility Study (RI/FS).

More than one year ago, EPA began a source investigation to find locations where tetrachloroethylene (also known as perchloroethylene or PCE) was released to the environment, and to determine whether parties who may be responsible for cleanup costs under Superfund law could be identified. In November 2003, we provided you with a copy of the report from the investigation entitled "Identification of PCE Release Areas in the Vicinity of the Griggs and Walnut Ground Water Plume" (IDRA Report). In our May 18, 2004, meeting with City and County representatives in Las Cruces, we explained that, based on the City's and County's ownership of contaminated land on the Site, we are looking to the City and to the County for resources as we complete the RI/FS to address the ground water contamination.

On May 18, 2004, EPA met with representatives from the City, County and the New Mexico Environment Department (NMED), to discuss the Superfund process. On July 15, 2004, a second meeting was held to focus on the technical findings of the source investigation.

In response to the meeting on May 18, 2004, a draft copy of an Administrative Order on Consent (AOC) was sent electronically to your staff on June 9, 2004. We received a joint memorandum from the City and the County on July 27, 2004, identifying comments and



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questions associated with the draft AOC. We addressed these questions and comments in a conference call with your staff on September 15, 2004.

On August 2, 2004, we received an electronic memorandum requesting the technical data we collected at the Site for your contractors to review. On August 10, 2004, our contractors posted the databases and analysis onto a website for your direct access. We hope you have found the website helpful and easily accessible.

We appreciate the City's and County's expression of willingness to participate in this process as we work toward the cleanup of the ground water in Las Cruces. We believe that the cooperative spirit demonstrated at the meetings will continue and enable us to expeditiously reach an agreement that will provide Las Cruces with a safer and more sustainable water supply.

As we have discussed in our meetings, we intend to develop, as appropriate, a settlement agreement that remains sensitive to State and local concerns. We see two possible approaches for our agreement: (1) the City and the County may use EPA's information to complete the Remedial Investigation and Feasibility Study (RI/FS), and fund EPA oversight; or, (2) the City and the County may fund EPA as it completes the RI/FS. To expedite our discussions, we have enclosed two draft administrative orders on consent. One version provides for the City and County to perform the work with EPA oversight, while the other provides for the City and County to fund EPA as it completes the RI/FS.

The second option has certain advantages. Since EPA just completed a vital ground water and soil vapor study to find the sources of PCE on the Site, EPA has almost enough data on hand to complete the Remedial Investigation. In addition, EPA has an environmental contractor fully familiar with the situation, and that contractor remains on retainer. With your input and cooperation, EPA could rapidly and efficiently complete the Remedial Investigation and move on to the Feasibility Study. The cost for EPA to complete the RI/FS is estimated to be close to \$800,000, depending on the final scope of work.

To begin discussions toward an agreement with the EPA, please contact Remedial Project Manager Ms. Petra Sanchez at (214) 665-6686. EPA will negotiate for 60 days, beginning October 27, 2004, without conducting further RI/FS work. As explained in the enclosed notice, if, at the end of 60 days we have received a good-faith offer from you, we will extend the negotiation period for an additional 30 days. The notice also explains that EPA will consider your ability to pay as part of our settlement. Ms. Sanchez and the team will further explain the agreement options and process.

If you decide to meet with the EPA to negotiate, we encourage you to contact the City, so you can work together in these negotiations. Negotiations are expedited if notified parties work together, but we will meet with you individually as well. If you have any questions regarding this matter, please call me or have your staff call Ms. Sanchez.

Sincerely yours,

Samuel Coleman, P.E.  
Director  
Superfund Division

Enclosure

cc: The Honorable Ron Curry, Secretary, New Mexico Environment Department  
Ms. Maryann Ustick, Acting City Manager, City of Las Cruces  
Mr. Brian Haines, County Manager, Doña Ana County  
Mr. Luis Morales, Doña Ana County Environmental Services Division  
Mr. Jorge Garcia, Utilities Director, City of Las Cruces  
Mr. Steve Spencer, U.S. Department of Interior  
Ms. Dana Bahar, New Mexico Environment Department

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6SF-LT:PSANCHEZ:08/12/04:L/GWP SNL CITY.WPD  
Concurrence

STENGER  
6SF-L

WILLIAMS  
6SF-LT

COSTELLO  
6RC-S

PEYCKE  
6RC-S

BUZZELL  
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